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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,367

02/19/2002

Dennis S. Lee

058268.00132

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04/04/2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

8000 TOWERS CRESCENT DRIVE

14TH FLOOR

VIENNA, VA 22182-2700

EXAMINER

MILLS, DONALD L

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

04/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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Continuation of 11. NOTE:

#### Claim Objections

On page 26 of the remarks, regarding claims 61-74 and 76-77, the Applicant argues *it would not seem to be appropriate to discuss performing the functions, since that would seem to convert the apparatus claim into a method claim.* The Examiner respectfully disagrees. The Applicant specification has set forth a method, which is in fact a computer program that may be embodied on a number of devices. As such, the claim objection still stands as stated in the Office Action mailed 27 December 2007.

#### Rejection Under 35 USC 101

The 35 USC 101 rejection of claims 47-60 and 78 have been withdrawn.

#### Rejection Under 35 USC 102

Claims 1-5, 19-28, 42-27, 61 and 75-78 stand rejected under 35 USC 102b as being anticipated by Coss et al. (US 6,154,775), as stated in the Office Action mailed 27 December 2007. On page 28 of the remarks, regarding claims 1 and 24, the Applicant argues Coss does not disclose *each rule of said rules specifies a set of actions.* The Examiner respectfully disagrees. A rule action comprises either, "pass," "drop" or proxy (See column 4, lines 46-49,) which in and of itself is a "set of actions." Therefore, Coss discloses *each rule of said rules specifies a set of actions.*

On page 30 of the remarks, regarding claims 1 and 24, the Applicant argues Coss does not disclose *wherein each rule field of said rules includes a mask and a selection flag used in the comparing said portion with each rule.* The Examiner respectfully disagrees. Claims are read in the broad literal reasonable fashion. Coss discloses a dependency mask that is defined in a rule

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for the first packet of a network session using information in the packet, the source interface for that packet and one or several dependency conditions that must be met for the packet to pass. A "hit count" (selection flag) is utilized to indicate the number of matches which must be found in the cache for the specified action to be taken (used in comparing the portion with each rule) (See column 7, lines 28-61.) In addition, the claims do not set forth structural or functional limitations which further define the terms "mask" and "selection flag;" therefore, any number of possible interpretations are possible. In this particular case, the Examiner interprets the process of counting packets and dependency mask as meeting the limitation of a "mask" and "selection flag" that is utilized for comparing a portion of a packet with each rule. Therefore, Coss discloses *wherein each rule field of said rules includes a mask and a selection flag used in the comparing said portion with each rule.*

On page 31 of the remarks, in response to applicant's argument that there is no suggestion to combine references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. However, no such obviousness rejection was presented in the previous office action.

/Chi H Pham/

Supervisory Patent Examiner, Art Unit 2616

3/28/08